

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Donna Lamour,
Plaintiff,
-against-
Thomas Musarra, et al.,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/28/2024

1:24-cv-00903 (JGLC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court is a motion for default judgment by Plaintiff against Defendants, pursuant to Rule 55 of the Federal Rules of Civil Procedure. (Pl.'s Mot. Default J., ECF No. 7.) In her motion, Plaintiff avers that Defendants were served by United Parcel Service on January 31, 2024. (*Id.* at PDF pp. 1, 3-4.) Such service, however, was defective. Rule 4 of the Federal Rules of Civil Procedure provides that “[a] summons must be served with a copy of the complaint.” Fed. R. Civ. P. 4(c)(1). Here, at the time that Plaintiff purports to have served Defendants, no summons had yet been issued.¹ Thus, a properly-issued summons could not have been served with the Complaint. Accordingly, Plaintiff's motion for default judgment is DENIED AS MOOT.

SO ORDERED.

Dated: New York, New York
August 28, 2024

STEWART D. AARON
United States Magistrate Judge

¹ The ECF docket reflects that a summons was issued for the first time on August 7, 2024. (Summons, ECF No. 16.)